

**STATE FARM FIRE AND CASUALTY
COMPANY,**

Plaintiff,

Vs.

**WILLIAM NOBLES; and EDWINA
NOBLES,**

Defendants.

THIS MATTER is before the court on a telephone contact from the pro se defendant William Nobles. On December 19, 2005, Mr. Nobles called chambers to inform the court that his new address had not been reflected in the court record. His new address is

This is the same address which Mr. Nobles provided at the Initial Pretrial Conference. Mr. Nobles further expressed that he remains interested in this litigation.

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In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Mr. Nobles, who is proceeding *pro se*, is cautioned that he carries a heavy burden in responding to a motion for summary judgment. Rule 56(e), Federal Rules of Civil Procedure, provides:

When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

This language means that if Mr. Nobles has any evidence to offer to show that there is a genuine issue for trial, he must now present it to this court in a form which would otherwise be admissible at trial, i.e., in the form of affidavits or unsworn declarations. An affidavit is a written statement under oath; that is, a statement prepared in writing and sworn before a notary public. An unsworn statement, made and signed under the penalty of perjury, may also be submitted. Affidavits or statements must be presented by plaintiff to this court not later than January 13, 2006, and must be filed in duplicate. As stated by Rule 56(e), Mr. Noble's failure to respond may result in the action being dismissed by way of summary judgment.

ORDER

IT IS, THEREFORE, ORDERED that

- (1) the record reflect Mr. Nobles correct address as above set forth;
- (2) the Clerk of this court send to Mr. Nobles copies of all filings since June 20, 2005, along with a copy of this Order; and
- (3) Mr. Nobles file his response to his co-defendant's Motion for Summary Judgment not later than January 13, 2006.

Signed: December 19, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

